

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

DECORIE BATES

PLAINTIFF

V.

CIVIL ACTION NO. 1:21-cv-408-HSO-RHWR

PEARL RIVER COUNTY JAIL, et al.

DEFENDANTS

ORDER

Pro se Plaintiff Decorie Bates (“Plaintiff”) brings this conditions-of-confinement Complaint pursuant to 42 U.S.C. § 1983. Plaintiff is incarcerated at the Pearl River County Jail and he is proceeding *in forma pauperis*. The named Defendants are the Pearl River County Jail, Capt. Unknown Mataya, Sgt. Sherica Davis, Sgt. Shelba Fayette, and Sgt. Liz Barton.

Section 1983 provides, in pertinent part, “[e]very person who, under color of [state law], subjects . . . any citizen . . . thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured.” 42 U.S.C. § 1983. Plaintiff is advised that the Pearl River County Jail is not a separate legal entity that may be sued under § 1983. However, a county may be held liable in certain circumstances. Since Plaintiff is proceeding pro se, he will be provided an opportunity to state if he is naming Pearl River County as a Defendant in place of the Pearl River County Jail. Additionally, Plaintiff will be directed to state how each Defendant allegedly violated his constitutional rights. Accordingly,

IT IS HEREBY ORDERED that on or before May 19, 2022, Plaintiff shall file a written response to:

- (a) state if Plaintiff is naming Pearl River County as a Defendant in place of the Pearl River County Jail and if so, specifically state how Pearl River County violated Plaintiff’s constitutional rights or voluntarily dismiss Defendant Pearl River County Jail;
- (b) specifically state how Capt. Mataya violated Plaintiff’s constitutional rights or

voluntarily dismiss Capt. Mataya as a Defendant;

(c) specifically state how Sherica Davis violated Plaintiff's constitutional rights or voluntarily dismiss Davis as a Defendant;

(d) specifically state how Shelba Fayette violated Plaintiff's constitutional rights or voluntarily dismiss Fayette as a Defendant;

(e) specifically state how Liz Barton violated Plaintiff's constitutional rights or voluntarily dismiss Barton as a Defendant; and

(f) if possible, provide the full name of Defendant Capt. Unknown Mataya.

IT IS FURTHER ORDERED that the Plaintiff is warned that if he fails to fully comply with this Order in a timely manner or if he fails to keep this Court advised of his current address, this case will be dismissed.

SO ORDERED AND ADJUDGED, this the 28th day of April 2022.

s/Robert H. Walker
UNITED STATES MAGISTRATE JUDGE